

REMARKS

Claims 1-36 are pending in the application; claims 28-36 are withdrawn. Claims 1-27 are provisionally rejected by obviousness type double patenting. Claims 16-27 are presently rejected as being directed to non-statutory subject matter. The applicant respectfully traverses the rejections.

I. Obviousness Type Double Patenting Provisional Rejections of Claims 1-27

It is alleged in the Office action that claims 1-27 of the present application are an obvious variation of the claims pending in U.S. Patent Application No. 09/455,877 and claims 1-27 are provisionally rejected. Because the claims 1-27 are provisionally rejected, the applicants choose not to respond to these rejections until the claims of the 09/455,877 application actually issue or become allowed.

II. Rejection of claims 16-27 under 35 U.S.C. § 101

The examiner alleges that claims 16-27 are directed to an abstract idea rather than a practical application of the idea. However, as amended, claims 16-27 are directed to a practical application of an idea and produce a tangible result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101. MPEP § 2106 (II)(A) (emphasis added). An invention must produce, as a whole, a “useful, concrete, and tangible” result to have a practical application. MPEP § 2106 (II) (A) *citing State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373 (Fed. Cir. 1998). While the courts have not yet defined the terms “useful, concrete, and tangible,” a process that merely manipulates an abstract idea is not concrete or tangible. *In re Warmerdam*, 33 F.3d 1354, 1360 (Fed. Cir. 1994). MPEP § 2106 (II)(A). Claims 16 and 23 do not recite merely manipulating an abstract idea, but rather, recite relationship management systems that produce at least “one or more relationship connections between a starting individual and the target individual” and “one or more relationship pathways between the starting person and the target person,” respectively. Therefore, claims 16 and 23 recite at least one practical application in the field of relationship management systems. Because claims 16 and 23 recite “useful, concrete, and tangible” results, the claims are drawn to statutory subject matter and the 35 U.S.C. § 101

rejection should be withdrawn. Therefore, claims 16 and 23, and all claims dependent therefrom, are allowable.

III. Conclusion

The applicant submits that the application as a whole is in a condition for allowance, and such action is requested at the examiner's earliest opportunity. The examiner is encouraged to contact the applicant's undersigned attorney with any questions regarding this response or the application as a whole at the telephone number indicated below. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Dated: November 20, 2006

Respectfully submitted,

By 

Randall G. Rueth

Registration No.: 45,887

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant